

**AN ORDINANCE BY
THE COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AMENDING SECTION 158-103 (c) OF THE ATLANTA
CODE OF ORDINANCES BY ADDING AN ADJUSTMENT TO THE
TREE RECOMPENSE CALCULATION THAT PROVIDES EQUAL
TREATMENT TO DEVELOPERS OF FOR-RENT AFFORDABLE
HOUSING AS IS RECEIVED BY DEVELOPERS OF FOR-SALE
AFFORDABLE HOUSING; AND FOR OTHER PURPOSES.**

WHEREAS, the Atlanta Code of Ordinances ("Code"), section 158-103, requires developers to pay recompense into the City of Atlanta ("City") Tree Trust Fund to compensate the City for trees removed or destroyed as a result of the development; and

WHEREAS, section 159-103(2) of the Code sets forth a method of calculating the recompense owed by developers; and

WHEREAS, section 159-103 (3) creates an incentive for developers to save trees by capping the amount of recompense to be paid by a developer if the developer retains a certain percentage of trees on the development site; and

WHEREAS, the recompense cap is referred to in the Code as the "maximum recompense"; and

WHEREAS, section 159-103 (3)(d) makes it easier for developers of for-sale affordable housing to qualify for a recompense cap. Specifically, the Code states that "for sales housing units which have a pro-forma sales price equal to or less than 1.5 times median family income as defined by the United States Department of Housing and Urban Development, the percent of minimum trees retained may be reduced to 50% of the above percentage values in order to qualify for maximum recompense per acre."; and

WHEREAS, section 159-103 of the Code does address for-rent affordable housing and does not make it easier for developers of for-rent affordable housing to qualify for a cap on the recompense to be paid; and

WHEREAS, with respect to the Urban Enterprise Program tax abatement, the Atlanta City Code, section 146-52(2)(a) considers affordable housing to be property that has at least 20% of the total number of residential units constructed being within the ability to pay of those households whose annual incomes do not exceed 60% of the median family income for the Atlanta metropolitan statistical area; and

WHEREAS, a project that provides quality affordable housing should not be penalized because the housing is rental rather than for sale housing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that Code section 158-103 (c) be amended by adding a subsection(8) that shall read as follows:

- “(8) For rental housing units that have at least 20% of the total number of residential units constructed being within the ability to pay of those households whose annual incomes do not exceed 60% of the median family income for the Atlanta metropolitan statistical area, the percent of minimum trees retained may be reduced to 50% of the above percentage values in order to qualify for maximum recompense per acre.”**